

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

THE SPEARMINT RHINO COMPANIES
WORLDWIDE INC.,

Plaintiff,

v.

Case No. 12-C-0866

CUGINOS ENTERTAINMENT LLC
d/b/a Rhino Adult Nightclub,

Defendant.

FINAL CONSENT JUDGMENT

Plaintiff, The Spearmint Rhino Companies Worldwide, Inc. ("SRCW"), having filed the Complaint ("Complaint") alleging, inter alia, that Defendant Cuginos Entertainment, LLC d/b/a Rhino Adult Night Club ("Cuginos") infringes SRCW's trademarks and unfairly competes under Title 15 of the United States Code; and Cuginos having executed the Consent filed in this action, and having consented to the entry of this Final Consent Judgment, without further notice:

IT IS ORDERED, ADJUDGED, AND DECREED that Cuginos and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, who receive actual notice of this Final Consent Judgment by personal service or otherwise, are permanently enjoined from:

1. Using any name, mark, trade dress, indication of source or other identifier that is similar in whole or in part to SRCW's Spearmint Rhino marks, including, but not limited to, use of the "RHINO" name, rhinoceri imagery, or any colorable imitation thereof;

2. Doing any other act or thing likely to confuse, mislead, or deceive others into believing that Cuginos, and/or its business or services, emanate from or are connected with, sponsored by, or approved by SRCW;
3. Aiding or abetting any person committing any of the acts prohibited by (1) and (2), above.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Cuginos' use of the "RHINO" name in conducting its business infringes U.S. Trademark Registration Nos. 2,129,965; 2,712,739; and 3,189,326; and that Cuginos' use of rhinoceri imagery in conducting its business infringes SRCW's rights in U.S. Trademark Registration Nos. 2,712,739; 3,189,323; and 3,189,324; and that Cuginos' use of the "RHINO" name and rhinoceri imagery constitutes unfair competition with SRCW under 15 U.S.C. § 1125(a); and further that such infringement was intentional and willful pursuant to 15 U.S.C. § 1117(a), entitling SRCW to recover Cuginos' profits and the costs of this action. Such recovery shall be satisfied through payment by Cuginos to SRCW of an undisclosed amount agreed to by the parties and such payment shall be made by Cuginos to SRCW on or before February 15, 2013.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's SPEARMINT RHINO marks asserted in this action are valid and famous, and that Defendant's use of the confusingly similar "RHINO" name and imagery has diluted SRCW's famous SPEARMINT RHINO marks by tarnishment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Cuginos shall transfer ownership of the web domain www.rhinomilwaukee.com to SRCW, and shall

further transfer ownership of the Twitter account at <https://twitter.com/RhinoMilwaukee> to SRCW.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court retains jurisdiction of this matter for all purposes, including, but not limited to, implementing and enforcing the terms and conditions of this Final Consent Judgment.

Dated at Milwaukee, Wisconsin, this 31st day of January, 2013.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
U. S. DISTRICT JUDGE